

OGC HAS REVIEWED.

10-1-1

EXECUTIVE ORDER

AUTHORIZING THE CIVIL SERVICE COMMISSION TO ADOPT SPECIAL PROCEDURES IN CONNECTION WITH NATIONAL DEFENSE EXPANSION.

Under the authority vested in me by section 2 of the Civil Service Act (22 Stat. 403), by section 3 of the Civil Service Retirement Act (56 Stat. 15), by section 1753 of the Revised Statutes (5 U.S.C. 631), and in order to effectuate the purposes of section 1302 of the Supplemental Appropriation Act, 1951, it is hereby ordered as follows:

Section 1. In order to prevent increase in the number of permanent positions in agencies in the executive branch of the Federal Government, on and after November 1, 1950, and until such time as the Civil Service Commission may find it no longer necessary in the interest of the defense program, all appointments shall be on an emergency basis except those of postmasters in all classes of post offices and appointments, ^{and, in exceptional circumstances,} ~~to highly specialized positions~~ for which the Commission determines on request of an agency, that permanent appointments are necessary in order to obtain qualified personnel: Provided, That agencies may give permanent appointments to persons selected for permanent appointment prior to November 1, 1950. In making emergency appointments to positions in the competitive civil service the recruiting facilities of the Commission and its boards and committees of examiners shall be used to the fullest extent.

Section 2. (a) After September 1, 1950, and until such time as the Civil Service Commission may find it no longer necessary in the interest of the defense program, all promotions, transfers, reassignments, and reinstatements shall be on an emergency basis. Employees serving under permanent appointments who are given emergency promotions, reassignments, or transfers shall not thereby lose their status as permanent employees of the agency in which employed.

(b) Whenever retention preference regulations are applied any permanent employee in a position to which he has been promoted, reassigned,

or transferred on an emergency basis shall be considered in competition with only those permanent employees who also have been promoted, reassigned, or transferred on an emergency basis, except that in being considered for separation or demotion from his permanent position or grade he shall be in competition with all competing permanent employees.

Section 3. (a) Whenever the Commission determines that it is necessary in the interest of the defense program it shall issue regulations governing the release of employees of agencies in the executive branch of the Government for employment in other agencies, and the establishment, granting, and conditioning of reemployment rights upon release for such employment.

(b) Reemployment rights shall be granted only to permanent employees and only when their release is in the interest of the defense program. Any employee released with reemployment rights whose services are subsequently terminated without cause such as would reflect on his suitability for reemployment in the Federal service shall be reemployed, by the agency from which he was originally released, in the occupational field and at the same grade or level as the position which he last held on a permanent basis.

Section 4. (a) In carrying out the provisions of section 9 of the Selective Service Act of 1948, or any other legal authority granting a right to reemployment in the Federal service, the Commission shall issue regulations limiting the right to reemployment of any individual to the last position he occupied on a permanent basis or one of equal seniority, status, and pay: Provided, That the Commission may by regulation provide for temporary reemployment of former permanent Federal employees in positions to which they had been promoted on an emergency basis.

(b) Whenever the exercise of a reemployment right under section 3 of this order or any other Executive order would cause the separation or demotion of another employee the individual who has applied for

reemployment shall be presumed to be an employee and retention preference regulations shall then be applied to determine to what if any position such individual is entitled.

Section 5. (a) Whenever the Commission finds that there are permanent employees who are about to be, or who recently have been, separated through reduction in force and who are fully qualified for vacancies in an agency having programs directly related to national defense, it shall order such agency to make emergency appointments from among such of these employees as the Commission may designate before filling such vacancies from any other source outside the agency, unless objection shall be made, and sustained by the Commission, to their appointments for any proper and adequate reason. Failure of an agency to comply with the Commission's order shall be reported to the President through the Administrative Assistant for Personnel Management.

(b) For the purposes of section 1302(b) of the Supplemental Appropriation Act, 1951, and of this order, there is hereby delegated to the Director of the Bureau of the Budget authority to designate agency programs which are related directly to national defense.

Section 6. Persons given emergency appointments in accordance with section 1 of this order are hereby excluded from the operation of the Civil Service Retirement Act unless eligible for retirement benefits by continuity of service, or otherwise.

Section 7. The Commission is authorized and directed to promulgate regulations for the administration and enforcement of this order.

THE WHITE HOUSE